

BRETT A. SHUMATE
Assistant Attorney General
Civil Division
YAAKOV M. ROTH
Acting Assistant Attorney General
SARAH L. VUONG (CA Bar 258528)
Assistant Director
WILLIAM H. WEILAND (Mass. Bar 661433)
Senior Litigation Counsel
LAUREN BRYANT (NY Bar 5321880)
ANNA DICHTER (NJ Bar 304442019)
JEFFREY HARTMAN (WA Bar 49810)
CATHERINE ROSS (DC Bar 9007404)
AMANDA SAYLOR (FL Bar 1031480)
ERIC SNYDERMAN (VA Bar 99563)
Trial Attorneys
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
General Litigation and Appeals Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, *et. al.*,

Plaintiff,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, *et. al.*,

Defendants.

Case No. 3:25-cv-1766-EMC

Judge: Hon. Edward M. Chen

DECLARATION OF KEVIN MARBY

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No. 3:25-cv-1766-EMC

1 I, Kevin Marbray, based upon my personal knowledge and information made known to me in the
2 course of my official employment hereby declare, to the best of my knowledge, information, and belief,
3 as follows relating to the above-captioned matter:

4 1. I am employed with the U.S. Department of Homeland Security (“DHS”), as the Network
5 Operations Security Branch (NOSC) Data Acquisition Manager within the Office of the Chief
6 Information Officer (“OCIO”). I am a member of the DHS NOSC Cyber Data Acquisitions team
7 responsible for the retrieval of data from DHS personnel accounts for litigation purposes. I have held
8 this position since March 2015.

9
10 2. I am aware of the Court’s order dated July 1, 2025, Dkt. No. 237, ordering a declaration
11 from Defendants “detailing the searches conducted for Secretary Noem, Corey Lewandowski, and
12 Secretary Noem’s Executive Secretary’s custodial files, as well as the volume of data recovered, and hits
13 for each search.”

14 3. As detailed in my Declaration dated May 27, 2025, pursuant to this Court’s orders, I had
15 previously conducted searches and pulled documents for Secretary Noem and Corey Lewandowski.
16 After conducting those searches, I conducted a deduplication process, whereby using eDiscovery
17 technology, I identified and removed duplicate documents before transferring the dataset to the
18 Department of Justice (“DOJ”). I understand that DOJ then loaded the documents on to Relativity and
19 created a custodian’s ‘hit count’ list of documents, registering which documents belonged to which
20 custodian. However, since I had conducted the deduplication process prior to sending the documents to
21 DOJ, I understand that for certain custodians, the hit count was lower than what it would have been had
22 I not performed the deduplication process.

23
24 4. Out of an abundance of caution, following the Court’s June 24, 2025 Order, Dkt. No.
25 220, I conducted searches and pulled documents *again* for Secretary Noem and Corey Lewandowski. I
26 also conducted searches and pulled documents for the Acting Executive Secretary at the relevant time,
27
28

1 Juliana Blackwell.

2 5. OCIO uses a standard “OCIO Data Request Form” for all users to request data pulls. On
3 June 24, 2025 at approximately 12:07 pm, I received a completed data request form from the Office of
4 General Counsel (OGC) for *National TPS Alliance v. Noem*, Case No. 25-cv-01766-EMC (N.D. Cal.),
5 asking me to search:

- 6
- 7 a. all emails, calendars, One Drive Folders—which is the cloud equivalent of a hard drive
 - 8 search—and Teams Chats,
 - 9 b. for each of the following DHS HQ custodians: Corey Lewandowski;
 - 10 c. that hit on the following search terms (the “Venezuela Search Terms”) and were dated
 - 11 between Jan. 20, 2025 and Feb. 5, 2025:
 - 12 i. [“Temporary Protected Status” or “TPS” or 1254a] AND [Venezuela]
 - 13 ii. [“Temporary Protected Status” or “TPS” or 1254a] AND [“Tren de Aragua” or
 - 14 “Tren de Agua” or TdA]
 - 15 iii. [“Temporary Protected Status” or “TPS” or 1254a] AND [vacat*]; and
 - 16
 - 17 d. that hit on the following search terms (the “Haiti Search Term”) and were dated between
 - 18 Jan. 20, 2025 and Feb. 24, 2025:
 - 19 i. [“Temporary Protected Status” or “TPS” or 1254a] AND [Haiti].
 - 20

21 6. On June 25, 2025, at approximately 9:33 am, I received an identical OCIO Data Request
22 Form requesting all of the above data for the following custodian: Juliana Blackwell. At approximately
23 12:16 p.m., I received a revised OCIO Data Request Form, adding Secretary Noem as a custodian.

24 7. I ran the searches and retrieved approximately 175 MB of data for Corey Lewandowski,
25 540 MB of data for Juliana Blackwell and 3 MB of data for Secretary Noem. I did not run the
26 deduplication program on any of these searches. I understand that another member of our team
27 transferred the data to DOJ via the Justice Enterprise File Sharing (“JEFS”) system on June 25, 2025 at
28

1 approximately 3:53 pm.

2 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
3 correct to the best of my knowledge.

4
5 Executed on: 7 July 2025

6 **KEVIN A**
7 **MARBRA**
8 **Y**
9 Kevin Marbray
10 Network Operations Security Branch
11 Data Acquisition Manager, Office of
12 the Chief Information Officer,
13 Department of Homeland Security
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Digitally signed by
KEVIN A MARBRAY
Date: 2025.07.07
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